BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS FOR THE STATE OF ARIZONA

Case No. 14-06

FINDINGS OF FACT, CONCLUSIONS OF LAW, DECREE OF CENSURE, AND ORDER OF PROBATION AND PRACTICE RESTRICTION

In the Matter of :
Steven. G. Fox, Ph.D.
Holder of License No. 1454
for the Practice of Psychology
in the State of Arizona

On October 3, 2014, the Arizona Board of Psychologist Examiners ("Board") held an Informal Interview in Case No. 14-06, regarding Steven G. Fox, Ph.D. ("Respondent"). Respondent and his attorney, Terence Cushing, Esq., were present at the proceedings and made a presentation to the Board. The complainant, C.H. ("Complainant"), was also present and made a presentation to the Board. After the Informal Interview, the Board voted to issue Respondent this Decree of Censure and Order of Probation and Practice Restriction ("Order").

JURISDICTION

- 1. The Board is authorized to regulate the practice of psychology in Arizona pursuant to Arizona Revised Statutes (hereafter "A.R.S.") § 32-2061, et seq.
- 2. Respondent is the holder of license number 1454 for the practice of psychology in the State of Arizona.
- 3. The Board has personal and subject matter jurisdiction over Respondent pursuant to A.R.S. § 32-2061, et seq.

FINDINGS OF FACT

- 4. In January, 2014, Complainant's minor son ("Son") was in a residential facility ("Agency") and was in need of a psychosexual evaluation to determine the most appropriate post-discharge placement and treatment.
- 5. Complainant reported that Respondent indicated to her that he was qualified to provide a psychosexual evaluation, had performed such evaluations in the past, and agreed to provide a psychosexual evaluation of Son.

- 6. In his testimony to the Board, Respondent indicated that he did not agree to provide a psychosexual evaluation, but instead agreed to provide a psychological evaluation with sexual emphasis.
 - 7. On January 15, 2014, Respondent conducted an evaluation.
- 8. On January 24, 2014, Complainant called Respondent's office and was told that the report was ready for her to pick up. Complainant picked up the evaluation report ("Report") from Respondent's office, which was entitled "Psychosexual Evaluation" and stamped with Respondent's signature. Complainant was not offered and Respondent did not conduct a feedback session to review the evaluation results with Complainant.
- 9. In reviewing the Report, Complainant immediately noticed an error with regard to Son's race, and requested that Respondent correct the error.
- 10. Respondent indicated to the Board that the Report that was released to Complainant was a draft report.
- 11. Complainant indicated that after she notified Respondent's office of the error in the Report, she did not receive any subsequent communications from Respondent or his office regarding correction of the Report. While Respondent indicated to the Board that he and his office staff left phone messages for Complainant, he maintains that she did not return the calls. Respondent's record for Son contained no documentation of attempts to contact Complainant.
- 12. Complainant did not receive a corrected report from Respondent until after Respondent received notice of the January 31, 2014, Board complaint filed by Complainant.
- 13. Complainant indicated that Agency reviewed Respondent's "Psychosexual Evaluation" of Son, told her the Report was insufficient to be considered as a psychosexual evaluation report, and that it could not be utilized for the purposes needed. Complainant stated that Respondent's Report was harmful to Son in that it delayed Son's appropriate placement and treatment.
- 14. Respondent acknowledges that, at the time of the evaluation, he was not qualified to conduct a psychosexual evaluation.

- 15. Respondent contends the following:
 - a. He did not conduct a psychosexual evaluation, but rather a psychological evaluation with sexual emphasis.
 - b. He originally entitled the Report as a psychological evaluation.
 - c. After performing the evaluation, he changed the Report title to "psychosexual evaluation" at the Complainant's request, because he believed it would benefit Son.
- 16. Licensee acknowledges that it was a mistake to change the title of his report to "psychosexual evaluation", thereby misrepresenting his evaluation of Son.
- 17. Notwithstanding the report title, Respondent's evaluation report was substandard in a number of areas, such as, the report identified testing scores but did not interpret their meaning. In addition, the report did not include a summary or conclusion section describing how Respondent synthesized evaluation information to support his diagnoses and recommendations.
- 18. After receiving notice of the Board complaint, Respondent voluntarily completed 75 continuing education credit hours in various topics, including ethics and assessment of sexual abuse victims and offenders. Respondent also asserts that he has made changes to his current practice to ensure that feedback sessions occur and draft reports are not released.

CONCLUSIONS OF LAW

- 19. The conduct and circumstances described above constitutes unprofessional conduct pursuant to Arizona Revised Statute (hereafter "A.R.S.") § 32-2061(15)(g) Engaging or offering to engage as a psychologist in activities not congruent with the psychologist's professional education, training and experience.
- 20. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-2061(15)(h) Failing or refusing to maintain and retain adequate business, financial or professional records pertaining to the psychological services provided to a client or patient.

21. The conduct and circumstances described above constitutes unprofessional conduct pursuant to A.R.S. § 32-2061(15)(o) - Providing services that are unnecessary or unsafe or otherwise engaging in activities as a psychologist that are unprofessional by current standards of practice.

ORDER

Pursuant to A.R.S. §32-2081(I) the Board has determined that the Respondent's conduct in RFI No. 14-06 warrants disciplinary action. Based upon the foregoing Findings of Fact and Conclusions of Law, IT IS ORDERED THAT:

- 22. **DECREE OF CENSURE:** Respondent is hereby issued a **Decree of Censure** due to the harm to the client.
- 23. **PROBATION:** Respondent's license shall be placed on probation for a minimum period of 12 months beginning on the effective date of this Order. The effective date of the Order is thirty-five (35) days from the date that it is mailed to Respondent unless there are intervening legal proceedings.
- 24. **PRACTICE RESTRICTION:** While on probation, Respondent shall not conduct psychosexual evaluations or psychological evaluations with a sexual emphasis. Respondent shall update all Informed Consent notifications to reflect this practice restriction and provide a copy of the updated Informed Consent to the Board within 15 calendar days of the date of this Order.
- 25. <u>SUPERVISION</u>: While on probation, Respondent shall be supervised by a Supervisor/Practice Monitor approved by the Board. Supervision shall include the following:
 - a. The Supervisor/Practice Monitor's review and assessment of Respondent's intake documentation and testing for all evaluations completed by Respondent, including the appropriateness of tests selected, test administration, scoring and interpretation of test results, and utilization of testing results to inform diagnoses, conclusions, and recommendations.
 - b. The Supervisor/Practice Monitor's review of all evaluation reports completed by Respondent prior to the release of the reports to the

- patient/client and/or the parents/guardians.
- c. The Supervisor/Practice Monitor's signature on all evaluation reports completed by Respondent, prior to release of the reports to the patient/client and/or the parents/guardians, signifying the Supervisor/Practice Monitor's agreement with Respondent's evaluation process and resulting evaluation report, including the conclusions and recommendations provided in the report.
- d. The Supervisor/Practice Monitor's review of Respondent's record keeping practices.
- 26. During the probationary period, Respondent shall meet with the Supervisor/Practice Monitor face to face at least two times monthly for at least two hours per session. During the meetings, the Supervisor/Practice Monitor shall provide feedback to Respondent regarding Respondent's practice, to include Respondent's testing, evaluative processes, report writing, and record keeping. After six months of supervision/monitoring, Respondent may petition to appear before the Board with his Supervisor/Practice Monitor to request that the term, duration, length and/or scope of the supervision/monitoring be modified.
- 27. Within ten (10) days of the effective date of this Order, Respondent shall enter into an agreement with one of the following psychologists to serve as his Supervisor/Practice Monitor and provide the Board written notification of the agreement:
 - Deborah Lewis, Ph.D.
 Arizona Behavioral Health Specialists
 7330 N. 16th Street, A-120
 Phoenix, AZ 85020
 602-997-6635
 - John Moran, Ph.D.
 J.A. Moran, Ph.D., PLLC
 1730 E. Northern Avenue, Suite 112
 Phoenix, AZ 85020
 602-795-4449
 - c. Lawrence Sideman, Ph.D.
 Argosy University/Phoenix
 2233 West Dunlap Avenue
 Phoenix, AZ 85021
 602-216-3104

- 28. If, during the probation period, the Supervisor/Practice Monitor is unable or unwilling to continue to provide supervision for Respondent, within ten (10) days of the Supervisor/Practice Monitor's termination of the supervisor/supervisee relationship, Respondent shall contact the Board in writing and request three to four names of other potential Supervisor/Practice Monitors approved by the Board. Respondent shall notify the Board of his new Supervisor/Practice Monitor within 15 days after the names of additional potential Supervisors/Practice Monitors are provided.
- 29. **REPORTS**: The Supervisor/Practice Monitor shall provide written quarterly reports, due on the 10th of the month, to the Board regarding Respondent's understanding and progress associated with conducting evaluations, including protocols and feedback sessions, report writing, and record keeping. Respondent is responsible for ensuring that the Supervisor/Practice Monitor submits his/her reports to the Board in a timely manner.
- 30. TERMINATION OF PROBATION: At the end of 12 months, unless otherwise ordered by the Board, Licensee shall petition the Board, in writing, and request termination from probation and supervision. If the Board determines that Licensee has not complied with all the requirements of this Order, the Board may either (a) continue the probation, including supervision, or (b) institute proceedings for noncompliance with this Order, which may result in the suspension, revocation or other disciplinary and/or remedial action.
- 31. **EFFECTIVE DATE**: The effective date of this Order is 35 days after the date that an executed copy of the Order, is mailed to the Respondent.
- 32. **CONSIDERATION IN FUTURE ACTIONS:** Respondent understands that this Order, or any part thereof, may be considered in any future disciplinary action against him.
- 33. **FINAL RESOLUTION:** This Order constitutes a final resolution of this disciplinary matter but does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver, expressed or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigations, actions or proceedings. Further, this Order does not preclude any other agency,

subdivision or officer of this State from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Order.

- 34. **TIME:** Time is of the essence with regard to this Order.
- 35. <u>COSTS:</u> Respondent shall be responsible for all costs incurred as a result of his compliance with this Order, including all costs associated with the Supervisor/Practice Monitor.
- 36. NON-COMPLIANCE: If Respondent fails to comply with the terms of this Order, the Board shall properly institute proceedings for noncompliance with this Order, which may result in suspension, revocation, or other disciplinary and/or remedial actions. Violation of this Order is a violation of A.R.S. § 32-2061(15)(aa), which is "violating a formal board order, consent agreement, term of probation or stipulated agreement".
- 37. **NON-RENEWAL OR LATE RENEWAL**: If Respondent fails to renew his license while under the terms of this Order and subsequently applies for late renewal of license or a new license, the remaining terms of the order shall be imposed if the late renewal or reapplication for license is granted.
- 38. <u>TOLLING</u>: If Respondent for any reason stops practicing psychology in Arizona for more than 30 consecutive days or leaves Arizona to reside or practice psychology outside of Arizona, the periods of temporary or permanent residency or practice outside of Arizona or the non-practice within Arizona do not reduce the duration of the terms under this Order. Respondent shall notify the Board in writing within five days of the dates of departure or the dates on non-practice in Arizona.
- 39. **PUBLIC RECORD**: This Order constitutes a public record that may be publicly disseminated as a formal action of the Board and shall be reported to the National Practitioner's Data Bank.
- 40. **RIGHT TO PETITION FOR REHEARING OR REVIEW**: Respondent is hereby notified that he has the right to petition for a rehearing or review. Pursuant to A.R.S.

§ 41-1092.09, the petition for rehearing or review must be filed with the Board's Executive 1 2 Director within 30 days after service of this Order. Pursuant to A.A.C. R4-25-308, the petition 3 must set forth legally sufficient reasons for granting a rehearing. Service of this Order is 4 effective five days after date of mailing. If a motion for rehearing is not filed, the Board's 5 Order becomes effective 35 days after it is mailed to the Respondent. 6 Respondent is further notified that the filing of a motion for rehearing is 7 required to preserve any rights of appeal to the Superior Court. 8 DATED this 17th day of November, 2014. 9 10 11 ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS 12 13 14 **Executive Director** 15 ORIGINAL of the foregoing filed this /7th day of/boun ber, 2014, with: 16 17 The Arizona State Board of Psychologist Examiners 1400 West Washington, Suite 240 18 Phoenix, Arizona 85007 19 20 COPY mailed by Certified Mail, No. 7009 2250 0001 7372 7770 this 17th day of November, 2014, to: 21 22 Steven G. Fox, Ph.D. Address on Record 23 COPY mailed 24 this 17 day of November, 2014, to: 25 Terence Cushing 26 Quinteros, Prieto, Wood & Boyer, P.A. 2390 East Camelback Rd. Ste. 440 27 Phoenix, AZ 85016

COPY of the foregoing mailed by interagency this 17 day of Movember, 2014, to: Jeanne M. Galvin, AAG Office of the Attorney General CIV/LES 1275 West Washington Phoenix, Arizona 85007

BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS FOR THE STATE OF ARIZONA

TOK THE STATE OF AKI

In the Matter of:

Case No. RFI 14-06

Steven G. Fox, Ph.D. Respondent

ORDER DENYING REQUEST FOR REHEARING

Holder of License No. 1454 for the practice of Psychology in the State of Arizona

On January 9, 2015, the Arizona Board of Psychologist Examiners met in open session to consider Dr. Steven G. Fox's ("Respondent") request for rehearing or review of the Board's Order of November 17, 2014. The Respondent was represented by counsel, Terence Cushing. After full consideration of the record in this matter and the arguments of Mr. Cushing and testimony of Dr. Fox, the Board voted to DENY Respondent's request for rehearing as Respondent has failed to set forth grounds upon which a rehearing should be granted.

ORDER

Respondent's Motion for Rehearing is DENIED. The Board's Order dated November 17, 2014, remains in effect.

NOTICE

Respondent is notified that this Order is the final administrative decision of the Board and that Respondent has exhausted his administrative remedies. Respondent is advised that an appeal to superior court may be taken from this decision pursuant to A.R.S. §§ 12-901, et. seq. within thirty-five (35) days from the date this Order is mailed

Dated this 23rd day of January, 2015

Arizona Board of Psychologist Examiners

Cindy Olvey, Psy.D., Executive Director

ORIGINAL of the foregoing filed this 23rd day of January, 2015, with:

The Arizona Board of Psychologist Examiners 1400 W. Washington, Ste. 240 Phoenix, AZ 85007

1	COPY of the foregoing mailed by U.S. Mail, and certified mail this	
2	23 rd day of January, 2015, to:	
3	Steven G. Fox, Ph.D. Certified Mail # 7009 2250 0001 7372 7794 Address of Record	
5		
6	Terence Cushing, Esq. Certified Mail # 7009 2250 0001 7373 0503 Quintairos, Prieto, Wood & Boyer, P.A.	
7	2390 East Camelback Rd., Suite 440 Phoenix, AZ 85016	
8	Thomas, AZ 63010	
9	Copies of the foregoing sent by interagency mail	
10	23 rd day of January, 2015, to:	
11	Jeanne Galvin, Esq. Assistant Attorney General	
12	1275 West Washington Phoenix, Arizona 85007	
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